

The Public Safety and Second Amendment Rights Protection Act
Sens. Joe Manchin and Pat Toomey

Bottom Line: The Public Safety and Second Amendment Rights Protection Act would require states and the federal government to send all necessary records on criminals and the violently mentally ill to the National Instant Criminal Background Check System (NICS). The bill extends the existing background check system to gun shows and online sales.

The bill explicitly bans the federal government from creating a national firearms registry, and imposes serious criminal penalties (a felony with up to 15 years in prison) on any person who misuses or illegally retains firearms records.

**TITLE ONE: GETTING ALL THE NAMES OF PROHIBITED PURCHASERS INTO THE
BACKGROUND CHECK SYSTEM**

Summary of Title I: This section improves background checks for firearms by strengthening the instant check system.

- Encourage states to provide all their available records to NICS by restricting federal funds to states who do not comply.
- Allow dealers to voluntarily use the NICS database to run background checks on their prospective employees
- Clarifies that submissions of mental health records into the NICS system are not prohibited by federal privacy laws (HIPAA).
- Provides a legal process for a veteran to contest his/her placement in NICS when there is no basis for barring the right to own a firearm.

TITLE TWO: REQUIRING BACKGROUND CHECKS FOR FIREARM SALES

Summary of Title II: This section of the bill requires background checks for sales at gun shows and online while securing certain aspects of 2nd Amendment rights for law abiding citizens.

- Closes the gun show and other loopholes while exempting temporary transfers and transfers between family members.
- Fixes interstate travel laws for sportsmen who transport their firearms across state lines in a responsible manner. The term “transport” includes staying in temporary lodging overnight, stopping for food, buying fuel, vehicle maintenance, and medical treatment.
- Protects sellers from lawsuits if the weapon cleared through the expanded background checks and is subsequently used in a crime. This is the same treatment gun dealers receive now.
- Allows dealers to complete transactions at gun shows that take place in a state for which they are not a resident.
- Requires that if a background check at a gun show does not result in a definitive response from NICS within 48 hours, the sale may proceed. After four years, when the NICS improvements are completed, the background check would clear in 24 hours. Current law is three business days.
- Requires the FBI to give priority to finalizing background checks at gun shows over checks at store front dealerships.
- Authorizes use of a state concealed carry permit instead of a background check when purchasing a firearm from a dealer.
- Permits interstate handgun sales from dealers.
- Allows active military to buy firearms in their home states.
- Family transfers and some private sales (friends, neighbors, other individuals) are exempt from background checks

TITLE THREE: NATIONAL COMMISSION ON MASS VIOLENCE

Summary of Title III: : This section of the bill creates a commission to study the causes of mass violence in the United States, looking at all aspects of the problem, including guns, school safety, mental health, and violent media or video games.

The Commission would consist of six experts appointed by the Senate Majority Leader and six experts appointed by the Speaker of the House. They would be required to submit an interim report in three months and a completed report in six months.

WHAT THE BILL WILL NOT DO

The bill **will not** take away anyone's guns.

The bill **will not** ban any type of firearm.

The bill **will not** ban or restrict the use of any kind of bullet or any size clip or magazine.

The bill **will not** create a national registry; in fact, it specifically makes it illegal to establish any such registry.

The bill **will not**, in any way at all, infringe upon the Constitutional rights of law-abiding citizens.